

Atty. Dkt. No. 060621-0703

*SPW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ernst et al.

Title: COMPOUNDS FOR THE  
TREATMENT OF HIV  
INFECTION

Appl. No.: 10/774,040

Filing Date: 02/06/2004

Examiner: Unknown

Art Unit: 1616

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>DIANE GARCIA</u></p> <p>(Printed Name)</p> <p><u><i>Diane Garcia</i></u></p> <p>(Signature)</p> <p><u>6-30-2004</u></p> <p>(Date of Deposit)</p>
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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment (IDS)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without*

*Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

The relevance of the foreign-language documents is described in the present specification. An English translation of the foreign-language documents is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

June 30, 2004

FOLEY & LARDNER LLP

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By

Barry Wilson

Barry S. Wilson

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Registration No. 39,431



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	9
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**Complete if Known**

<b>Application Number</b>	10/774,040
<b>Filing Date</b>	02/06/2004
<b>First Named Inventor</b>	Justin T. Ernst
<b>Group Art Unit</b>	1616
<b>Examiner Name</b>	Unknown
<b>Attorney Docket Number</b>	060621-0703

## U.S. PATENT DOCUMENTS

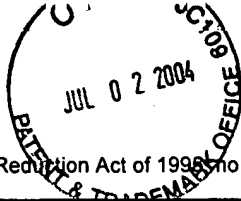
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Sheet 2 of 9

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**NON PATENT LITERATURE DOCUMENTS**

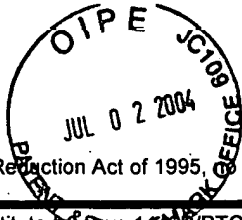
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	A17	AKIMARU et al., "Formulation and antitumor efficacy of liposomal-caprylated-TNF-Sam <sub>2</sub> ," Cytokines Mol. Ther, 1:197-210, (1995)	
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Sheet 3 of 9

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Attorney Docket Number	060621-0703

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	A28	DOMS et al. "HIV-1 Membrane Fusion: Targets of Opportunity," <i>J. Cell Biol.</i> , 151, F9-F13 (2000)	
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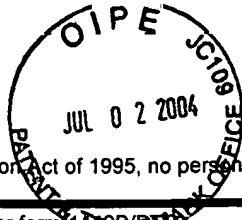
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Sheet 4 of 9

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Application Number	10/774,040
Filing Date	02/06/2004
First Named Inventor	Justin T. Ernst
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	A37	HILL and ADAMS, "Stereochemistry of Phenylquinones. The Preparation and Resolution of 2-(3-Bromo-2,4,6-Trimethylphenyl)-5-Methylbenzo-Quinone-3,6-DI-(Acetic Acid)," Stereochemistry of Phenylquinones, XVIII: 3453-3461 (1931)	
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of

9

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	A44	KUROSAWA et al., "The Reactions of 2-Hydroxybenzophenones with Lead Tetraacetate and Manganic Acetate," Bulletin of the Chemical Society of Japan, 46:1498-1501 (1973)	
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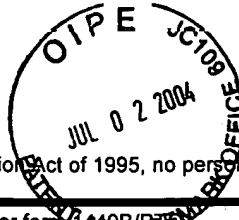
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Sheet 6 of 9

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First Named Inventor	Justin T. Ernst
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	A51	MARUSIC and TONEGAWA, "Tolerance Induction and Autoimmune Encephalomyelitis Amelioration After Administration of Myelin Basic Protein-Derived Peptide," J. Exp. Med. 186, no. 4:507-515 (1997)	
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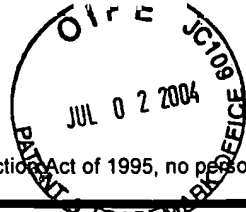
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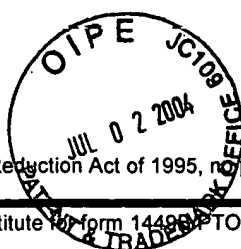
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	A58	PUTNEY, et al., "Improving Protein Therapeutics with Sustained-Release Formulations," Nat. Biotechnol. 16:153-157. (1998)	
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	A64	SCHOLL et al., "Eine Neue Synthese Des 4.4'-Dimethyl-Pyranthrone," <i>Eingegangen am</i> , 7, 512-518 (1910)	

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Sheet 8 of 9

**Complete if Known**

Application Number	10/774,040
Filing Date	02/06/2004
First Named Inventor	Justin T. Ernst
Group Art Unit	1616
Examiner Name	Unknown
Attorney Docket Number	060621-0703

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A65	SCHOLL and SEER, "5-p-Tolyl-2-methylbenzophenon-2'-Carbonsäure Odor 4,4'-Di-Methyl-1,1'-Diphenyl-3-Phtaloylsäure (Formel XI)," Verhalten Einiger Anthrachinonderivate, 543 -548	
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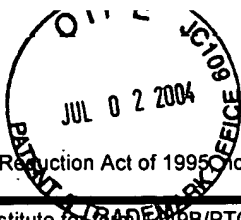
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		Application Number	10/774,040
		Filing Date	02/06/2004
		First Named Inventor	Justin T. Ernst
		Group Art Unit	1616
		Examiner Name	Unknown
		Attorney Docket Number	060621-0703
Sheet	9	of	9

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